

I object to the so-called "broadcast flag" requirement. I object to the requirement that equipment capable of receiving digital broadcasts respect the broadcast flag and I object to the requirement that such equipment be tamper resistant.

My objections all stem from the fact that these requirements have a spill-over effect. These requirements lead directly to a small number of large content providers (collectively referred to as "Hollywood") gaining control of **all** the activities I may pursue with my general purpose digital device (personal computer in this case). Why should Hollywood exercise veto power on what I do with a general purpose computer when it in no way infringes upon their content?

The broadcast flag requirement is binary. It either allows the user to get the bits or it does not. It has no concept of ownership of the bits, fair use under copyright of the bits or any other considerations. In order to have any meaning as a copy control mechanism, it must be enforced universally at the hardware level. This makes it a blanket requirement that would instantly make all kinds of legal things illegal, or at least questionable. It would insert its nose into business that is outside of its intended scope.

What if I am a content creator? What if I produce a digital video stream? According to this requirement, I need to use equipment that respects this flag, even though I may have no interest at all in broadcast of my bits. I need to invest large sums of money in new equipment when my existing equipment is perfectly capable of doing what I need. If I use unapproved equipment, just the simple act of producing my own video stream becomes illegal under this requirement.

Not only that, but what if some nefarious user somewhere figures out how to make this equipment not respect the broadcast flag? What if Hollywood decides the risk to Hollywood's bits is so great that it decides to deactivate the entire class of offending equipment (a capability that Hollywood is demanding)? Suddenly, through no action of my own, I am the owner of illegal hardware and need to spend another large sum of money to get legal again.

I have no objection to copy protection. If Hollywood wants to protect their bits, that is their right. I also have no problem with a broadcast flag in a more limited sense of a simple indicator with no copy protection or tamper resistance requirements (the flag would effectively serve the same purpose as a copyright statement). However, when Hollywood, in the process of protecting their bits, begins mandating blanket schemes that effectively wrap everyone else's bits in the same protection, I object strongly. Hollywood has no business telling me or anyone else what I can do with my bits on my hardware. That is ultimately the effect of such blanket requirements as the broadcast flag and that is why I object to it.